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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,974	12/05/2001	Hiroto Yoshii	35.G2962	1370
5514	7590	06/13/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CARTER, AARON W	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/001,974	YOSHII ET AL.	
	Examiner	Art Unit	
	Aaron W. Carter	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 January 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7, 9-17 and 19-24 is/are rejected.
- 7) Claim(s) 8 and 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 December 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to papers filed on January 24, 2005.

Response to Amendment

2. In response to applicant's amendment received on January 24, 2005, all requested changes to the specification and claims have been entered.

Response to Arguments

3. Applicant's arguments filed January 24, 2005 have been fully considered but they are not persuasive.

Applicants argue that the prior art or Crane (already of record), Chatterjee (already of record) or Tabuki (already of record) does not teach or fairly suggest newly added limitations of claims 1, 10, 11, 20, 21, 22, 23 and 24. Examiner disagrees, please refer to new rejections below.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 23 and 24 are drawn to functional descriptive

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material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

“Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.”

“Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure’s functionality to be realized.”

Claims 23 and 24, while defining “a program having program code” and “a verification program”, does not define a “computer-readable medium” and is thus non-statutory for that reasons. “A program having program code” or “a verification program” can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on “computer-readable medium” in order to make the claim statutory.

“In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” - MPEP 2106.IV.B.1(a).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7, 11-17, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,086,567 to Crane et al. ("Crane").

As to claim 1, Crane disclose an information processing apparatus which processes data input through a coordinate input device, comprising:

Inputting means for inputting writing data through the coordinate input device (column 2, lines 25-31);

Detecting means for detecting the sampling rate of the coordinate input device based on the writing data and time information (column 1, lines 48-49 and column 3, lines 58-60 wherein sample counter corresponds detecting means, wherein detecting the sampling rate is based on the amount of writing samples acquired in the time between pen-ups, this corresponds to writing data and time information); and

Standardizing means for standardizing writing data which is input through the coordinate input device, the standardizing being based on the sampling rate detected by said detecting means (column 7, lines 12-37, wherein based on the samples counted the input signature segment samples is expanded or decreased).

Wherein the writing data of the detected sampling rate is standardized to the writing data of a predetermined sampling rate (column 7, lines 17-20, wherein the number of sample between pen-ups is standardized to a predetermined sample rate between pen-ups corresponding to the same segment in the template memory).

As to claim 2, Crane discloses an information processing apparatus according to claim 1, wherein the writing data standardized by said standardizing means is used for signature authentication (column 1, lines 6-8).

As to claim 3, Crane discloses an information processing apparatus according to claim 1, wherein the writing data standardized by said standardizing means is used for handwritten character recognition (column 1, lines 6-8 and 34-36, wherein signature verification corresponds to handwritten character recognition, see also column 11, lines 60-65)

As to claim 4, Crane discloses an information processing apparatus according to claim 1, wherein the writing data standardized by said standardizing means is used as a stroke database (column 7, lines 12-20, wherein the normalized samples are signature segments which corresponds to stroke data which is stored in memory or a database).

As to claim 5, Crane discloses an information processing apparatus according to claim 1, wherein the writing data standardized by said standardizing means is used as the output for the writing data which is input through the coordinate input device (column 2, lines 35-38 and column 1, lines 42-68).

As to claim 6, Crane discloses an information processing apparatus according to claim 1, wherein said standardizing means standardizes the writing data by decimating a group of stroke

points indicated by the writing data based on the detected sampling rate (column 7, lines 12-20, wherein decrease the number of digital samples corresponds to decimate).

As to claim 7, Crane discloses an information processing apparatus according to claim 1, wherein said standardizing means standardizes the writing data by interpolating a group of stroke points indicated by the writing data based on the detected sampling rate (column 7, lines 12-20, wherein expanding the number of digital samples corresponds to interpolate).

As to claims 11-17, please refer to the rejections made for claims 1-7 respectively.

As to claims 21 and 23 please refer to the rejections made for claim 1 above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 9, 10, 19, 20, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane in view of USPN 5,706,427 to Tabuki.

9. As to claim 10, Crane discloses verification means comprising:

Receiving means which receives standardized writing data being made by standardizing writing data which is input through the coordinate input means in the information processing apparatus, the standardizing being based on a detected sampling rate of the coordinate input means, wherein the standardized writing data is the writing data of a predetermined sampling rate (column 7, lines 12-37, wherein the number of samples between pen-ups is standardized by expanding or decreasing the number of samples to a predetermined sample rate between pen-ups corresponding to the same segment in the template memory); and

Signature verifying means which performs signature verification based on the standardized writing data received by said receiving means (column 1, lines 64-68 and column 11, lines 8-33).

Crane does not disclose expressly discloses a verification server linked to an information processing apparatus having different coordinate input means over a network.

However, Tabuki discloses a verification server linked to an information processing apparatus having different coordinate input means over a network (column 2, lines 24-34 and column 3, lines 51-66, wherein user hosts corresponds to different input means and application server corresponds to an information processing apparatus).

Crane & Tabuki are combinable because they are from the same field of image processing, specifically signature authentication.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the signature verification process disclosed by Crane with a verification server as taught by Tabuki.

The suggestion/motivation for doing so would have been that by establishing on the network, separate from the application server a verification server to perform verification processes each application server is freed from the need to keep valid authentication data for the authentication of the user host and the need to have functions for verification (column 3, lines 55-60).

Therefore, it would have been obvious to combine Crane with Tabuki to obtain the invention as specified in claim 10.

As to claim 9, please refer to the rejections made for claim 10 above.

As to claim 19, please refer to the rejections made for claim 10 above.

As to claim 20, please refer to the rejections made for claim 10 above.

As to claim 22, please refer to the rejections made for claim 10 above.

As to claim 24, please refer to the rejections made for claim 10 above.

Allowable Subject Matter

10. Claims 8 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is (571) 272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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